



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

CHI TONG KUOK,

Defendant.

No. 09CR2581-BEN

FINDINGS OF FACT AND ORDER RE  
DETENTION PENDING TRIAL

In accordance with 18 U.S.C. § 3142(f), a detention hearing was held on July 31, 2009 to determine if defendant Chi Tong Kuok should be held in custody pending trial because he poses a risk of nonappearance against which no release conditions could adequately guard. Assistant United States Attorney Peter Ko appeared for the United States. Todd W. Burns, Esq., appeared for Kuok.

Based on the proffers by the United States and Kuok, the court concludes the following facts establish by a preponderance of the evidence that no condition or combination of conditions will reasonably assure Kuok's appearance as required.

**FINDINGS OF FACT**

1. Kuok resides in and is from Macau, and all his contacts are in Macau.
2. Kuok has no contacts with the United States, including no relatives or money in this country. Kuok briefly stopped in the United States on his way to Panama when he was arrested. While Kuok did not intend to be in the United States, he also had no intent to stay in the

1 United States.

2 3. Kuok is accused of committing offenses against the United States.

3 4. There is no indication the court could set any conditions that would reasonably  
4 assure Kuok's appearance for trial.

5 **REASONS FOR DETENTION**

6 1. The facts above establish by a preponderance of the evidence that Kuok poses  
7 a risk of nonappearance, against which no release conditions can adequately guard.

8 **ORDER**

9 IT IS ORDERED that Kuok shall be detained pending trial and, if convicted, sentencing  
10 in this case.

11 IT IS FURTHER ORDERED that Kuok shall be committed to the custody of the  
12 Attorney General or his designated representative for confinement in a corrections facility separate,  
13 to the extent practicable, from persons awaiting or serving sentences or being held in custody pending  
14 appeal. Kuok shall be afforded reasonable opportunity for private consultation with counsel.

15 While in custody, upon order of a court of the United States or upon request of an  
16 attorney for the United States, the person in charge of the correctional facility shall deliver Kuok to  
17 the United States Marshal for appearances in connection with court proceedings or any other  
18 appearances stipulated to by defense and government counsel.

19 This order is entered without prejudice to reopening the detention hearing at a later date.

20 DATED: August 6, 2009.

21   
22 LOUISA S. PORTER  
23 United States Magistrate Judge  
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